

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

MICHAEL E. WILLIAMS

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v.

CIVIL ACTION NO. 6:17cv369

STATE FARM INSURANCE *et al.*

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**ORDER ADOPTING REPORT AND RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of the complaint has been presented for consideration. The Report and Recommendation (Docket No. 14), filed on November 3, 2017, recommends that Defendants' Motion to Dismiss (Docket No. 8) be granted and that the complaint be dismissed with prejudice for failure to state a claim upon which relief may be granted. 28 U.S.C. § 1915(e)(2)(B).

The Court mailed the Report and Recommendation to Plaintiff via regular and certified mail. On November 14, 2017, the Court extended Plaintiff's time to file written objections to the Report and Recommendation to December 15, 2017. Docket No. 16. The copies of the Report and Recommendation and the Order extending the deadline to file written objections that were mailed to Plaintiff via certified mail were each returned to the Court with the notation, "return to sender, unclaimed, unable to forward." Docket Nos. 19, 20. On November 27, 2017, Plaintiff filed a single-page letter stating that he "submitted a perfect brief for relief" and asking the Court to "reevaluate." Docket No. 18. The Court construes Plaintiff's letter as his written objection to the Report and Recommendation.

Here, the amended complaint filed by Plaintiff does not meet the pleading requirement to state a claim for fraud. Plaintiff asserts only conclusory allegations that Defendants fraudulently refuse to pay roof damage claims. *See* Docket No. 1. Plaintiff similarly only provides conclusory allegations concerning his allegation of “racketeering.” *Id.* Rather than respond to the motion to dismiss or the Report and Recommendation with facts to support his claims, Plaintiff responded with additional conclusory allegations that Defendants sell “property insurance with no intent to pay roof claims”¹ and that he “submitted a perfect brief.”² Plaintiff has not stated a claim upon which relief may be granted and his written objection does not show error in the Report and Recommendation. FED.R.CIV.P. 12(b)(6); 28 U.S.C. § 1915(e)(2)(B).

Having made a *de novo* review of the written objections filed by Plaintiff in response to the Report and Recommendation, the Court concludes that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit. It is therefore

ORDERED that the Report and Recommendation filed on November 3, 2017 is **ADOPTED**. Defendants’ Motion to Dismiss (Docket No. 8) is **GRANTED** and the complaint is **DISMISSED** with prejudice for failure to state a claim upon which relief may be granted. 28 U.S.C. § 1915(e)(2)(B).

So ORDERED and SIGNED this 22nd day of December, 2017.



ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE

¹ See Motion for Summary Judgment, Docket No. 9, at *1 (submitted in response to the motion to dismiss).

² See Plaintiff’s letter, Docket No. 18, construed as Plaintiff’s written objection to Report and Recommendation.